

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Gihad Dargazanli, et al.

Serial No.: **10/511,886**

Filed: **October 19, 2004**

Title: ***N*-[Phenyl(piperidin-2-yl)methyl]-
benzamide derivatives, their preparation
and their application in therapy**

Examiner: **BALLS, Robert J.,**

Art Unit: **1625**

Certificate of Transmission

I hereby certify that this correspondence is being transmitted via EFS-Web to the Commissioner for Patents, Alexandria, VA 22313, on

October 25, 2006
Date of Transmission

Brian Pritchett Brian Pritchett
Signature

TERMINAL DISCLAIMER

Commissioner for Patents

Washington, D.C. 20231

Sir:

The petitioner, Sanofi-Aventis, having offices at 174 Avenue de France, Paris, France 75013, represents that it is the assignee of Application Serial No. 10/511,886, filed on October 19, 2004, by an assignment recorded at the USPTO set out in Reel 015664 Frame 0367 on February 9, 2005 (assignment of assignor's interest to Sanofi-Synthelabo) and at Reel 016345 Frame 0189 on July 22, 2005 (change of name from Sanofi-Synthelabo to Sanofi-Aventis).

The petitioner, Sanofi-Aventis, hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of any patent granted based on the copending U. S. Patent Application Serial No. 11/045,247, filed January 28, 2005, which is assigned to and commonly owned with 100 percent interest by Sanofi-Aventis, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issued from aforementioned U. S. Patent Application Serial No. 11/045,247, filed January 28, 2005, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Such disclaimer does not, however, mean that petitioner hereby waives or disclaims any right to an extension of the term of any patent issuing from application serial number 10/511,886, under 35 USC §§ 155 to 156, pursuant to (a) Title II of Pub. L. No. 98-417, enacted on September 24,

1984, and entitled the "Drug Price Competition and Patent Term Restoration Act of 1984", (b) Pub. 98-417, enacted on September 24, 1984, and entitled the "Drug Price Competition and Patent Term Restoration Act of 1984", (b) Pub. L. No. 100-670, enacted November 16, 1988 and entitled "Patent Term Extension for Animal Drug Products", or (c) any other subsequently enacted Public Law or Act which provides for the extension of the term of a patent.

Such disclaimer does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term, as presently shortened by any terminal disclaimer of any patents issued from the U. S. Patent Application Serial No. 11/045,247, filed January 28, 2005, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge Deposit Account No. **18-1982** in the amount of \$130.00. The Commissioner is authorized to charge any fees under 37 CFR 1.16 - 1.21 or credit any overpayment to Account No. **18-1982**.

Signed at Bridgewater, New Jersey, U.S.A., this 25th day of October, 2006.

Respectfully submitted,

October 25, 2006

Balaram Gupta

Balaram Gupta, Reg. No. 40,009
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TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)

SSL0064 US PCT

In re Application of: Gihad Dargazanli, et al.

Name: Sanofi-Aventis

Application Number: 10/511,886

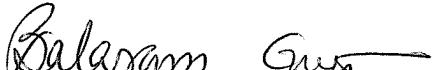
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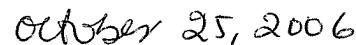
The owner*, Sanofi-Aventis of 100 percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

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- For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
- The undersigned is an attorney or agent of record. Registration Number 40,009.



Signature



Date

Balaram Gupta, PH. D., J. D.

Typed or Printed Name

(908)-231-3364

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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